UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,564	02/15/2002	Jean-Louis Droulin	SAA-76	3306

23569 7590 06/06/2006

SQUARE D COMPANY
LEGAL DEPARTMENT - I.P. GROUP
1415 SOUTH ROSELLE ROAD
PALATINE, IL 60067

EXAMINER	
FISHER, MICHAEL J	

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/077,564	DROULIN ET AL.	
	Examiner	Art Unit	
	Michael J. Fisher	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 March 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. The limitations as claimed in claims 1 and 6 do not produce a useful process, machine, manufacture or composition of matter. There is no tangible result and further, the result would not be repeatable as different people would think different things would "promote ... compatibility..."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over USAF Eyes Locaas As F-22 Munition by Proctor (Proctor).

Note: All page and line numbers are as provided and not as first published.

As to claims 1 and 6, Proctor discloses displaying compatible devices (pg 2, "Special Feature:" section labeled "Photograph") that are operatively connected (as they are aspects of a single airplane). This would promote the visual impression as indicative of compatibility as the parts are disclosed as working together.

Proctor does not, however, teach housing the display in transparent housings. The examiner takes Official Notice that it is well known in the art to house displays in transparent housings (such as dioramas). Therefore, it would have been obvious to one of ordinary skill in the art to create such a display with a transparent housing to allow the display to be moved without requiring a computer set-up.

As to claims 2 and 7, it would have been obvious to one of ordinary skill in the art to tint the glass for aesthetic purposes.

As to claims 3 and 8, the color of the tint is a matter of aesthetics and would not be patentably distinct.

As to claims 4 and 9, it would have been obvious to one of ordinary skill in the art to have affixed a placard (non-transparent portion) with the name of the airplane and descriptions of the various working parts.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 2,065,689 to Goethe.

As to claims 1 and 6, Goethe discloses housing devices in a display (fig 1), operatively connecting the devices (farm machinery), promoting the visual impression as indicative of compatibility (as they are all farm equipment they would necessarily be compatible else the farm would fail).

Goethe does not, however, teach a transparent housing. Goethe does teach a viewing portion without transparent housing. It would have been obvious to one of ordinary skill in the art to provide a transparent, front panel to keep viewers from touching the machinery therein.

As to claims 2 and 7, Goethe teaches a means for producing colored lighting effects (lines 10-13). It would have been obvious to one of ordinary skill in the art to use a tinted front screen as Goethe teaches tinting the lighting of the machinery.

As to claims 3 and 8, the color of the tinting is a matter of aesthetics and would not be patentably distinct.

As to claims 4 and 9, Goethe discloses the housing as having a see-through part (between frame members 5), and a non-transparent, front, face-plate (40).

Response to Arguments

Applicant's arguments, filed 3/16/06, with respect to the rejection of claim(s) under 35 USC 112 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

Applicant's arguments filed 3/16/06 have been fully considered but they are not persuasive. The result of the instant invention is to achieve a perception and not to house machinery. Housing the machinery is a step in the process and not the result. Further, different users would achieve the result differently and therefore, there is no repeatability for the instant invention. Applicant is arguing intended use of the invention, a user could achieve the result without the same intention thereby meeting the limitations as claimed. The examiner would like to note that attaching a laser to a jet implicitly discloses its use, i.e. a laser shooting from a jet. Actually seeing the working parts of a device discloses at least some of how it is made. As to Goethe, applicant is directed to figure 1 where the different aspects are connected. As to arguments saying the prior art is not analogous, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, all references are directed toward displaying devices.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF
12/9/05

JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600